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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,758	07/31/2001	Kiyoshi Tsuneki	OSP-10560	2806
466	7590	11/15/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,758

Applicant(s)

TSUNEKI ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 7, 9, 10, 11 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Johnson et al, U.S. Patent Application Publication No. 2002/0164999 (hereinafter Johnson).

Regarding claim 1, Johnson discloses an information delivery system comprising:

available radio resources determination device which determines whether or not available resources are present in each zone where radio communication is performed (paragraph 0065);

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an information database (paragraph 0007) in which information to be delivered to a user terminal (126, 128, 142, 144, 164, 168, 146 or 130) is stored; and

information delivery device which delivers information stored in the information database to a user terminal located within the relevant zone when a zone having available radio resources is detected by the available radio resources determination means (see paragraphs 0015-0018 and 0020-0024).

Regarding claim 2, Johnson discloses an information delivery system comprising:

available radio resources determination device which determines whether or not available radio resources are present in each zone where radio communication is performed (paragraph 0065);

a customer database in which information and also information relating to a user which receives this information are matched together and stored (see paragraph 0095);

identification device which identifies a user terminal located within the relevant zone when a zone having available resources is detected by the available radio resources determination means (see Figure 1); and

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information delivery device which acquires from the customer database information matched with a user terminal identified by the identification means and stored and then delivering the acquired information to the relevant user terminal (see paragraph 0095, 0015-0018 and 0020-0024).

Regarding claim 3, see paragraphs 0015-0018 and 0020-0024.

Regarding claim 4, see paragraphs 0095-0097 and paragraph 0148.

Regarding claim 7, see paragraph 0095.

Claim 9 is rejected for the same reasons as claim 1.

Regarding claim 10, see paragraph 0065.

Claim 11 is rejected for the same reasons as claim 4.

Regarding claim 14, see paragraph 0095.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 6 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Johnson in view of Akahane, U.S. Patent No. 6,266,533 (hereinafter Akahane).

Regarding claim 6, Johnson does not explicitly teach it is possible for the user terminal to be set up that the user is notified when available memory capacity has reached zero or near to zero or to be set up such that storage memory areas where old information is stored are overwritten by new information. However Akahane discloses this limitation (see column 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson with the user terminal taught by Akahane. This modification would have improved the user friendliness of Johnson by providing a remaining time indicator as suggested by Akahane.

Claim 13 is rejected for the same reasons as claim 6.

5. Claims 8 and 15 are rejected under 35 U.S.C § 103(a) as being unpatentable over Johnson in view of Eaton et al, U.S. Patent No. 5,970,391 (hereinafter Eaton).

Regarding claim 8, Johnson does not explicitly disclose when information that has already been received is received again, one of the duplicated information items is deleted. However Eaton discloses this limitation (see Figure 6).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson with the user terminal taught by Eaton. This modification would have lowered redundancy by saving precious memory space.

Claim 15 is rejected for the same reasons as claim 8.

6. Claims 5 and 12 are rejected under 35 U.S.C § 103(a) as being unpatentable over Johnson in view of Meuronen, U.S. Patent No. 6,473,622 (hereinafter Meuronen).

Regarding claim 5, Johnson does not explicitly teach wherein there is provided charge information accumulation device which accumulates charge information in accordance with a length of delivery time or an amount of information delivered when information is delivered to the user terminal. However Meuronen discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson with the charge information accumulation device taught by Meuronen. This modification improves user friendliness by advising the user of a charge before the user accesses the message.

Claim 12 is rejected for the same reasons as claim 5.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DA
Olisa Anwah
Patent Examiner
November 3, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

